



Crl.O.P.No.5049 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 420, 409, 468, 471 of IPC and Section 13(2) r/w 13(1)(c) of Prevention of Corruption Act, 1988, in Crime No.5 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners misappropriated the panchayat funds by way of fabricating the false accounts and they misused their official capacity for the pecuniary benefits. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case. He further submits that the petitioners were served as Secretary and President of Panchayat, due to political rivalry, a false complaint has been registered against the petitioners. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, are ready and willing to contribute some



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amount to any Charitable Purpose as may be directed by this Court.

Therefore, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to fabrication of the false accounts in the panchayat funds and also due to political reasons, the respondent police registered the case against the petitioners. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions made by the learned counsel and also considering the fact that the petitioner without prejudice their rights, on their own volition, are ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Chief*



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Judicial Magistrate, Thiruvavarur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) Each of the petitioner shall make a non-refundable deposit of **Rs.1,00,000/- (Rupees One Lakh only)** each, to the credit of (i) **Ramakrishna Math, No.31, Ramakrishna Math Road, Mylapore, Chennai – 600 004, Aram Seya Virumbu, A/c No.423150050800264, IFSC Code:TMBL0000423, Tamilnadu Mercantile Bank, Ambasamudram. (ii) Government Rehabilitation Home for Leprosy Cured, Deviyakuruchi, Salem District, A/c.No.542231612, Indian Bank, Talaivasal Branch, IFSC Code:IDIB000T002, Cell No.9965025341, 9080224678.**

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) **the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of three months;**



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

03.04.2024

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